IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

FIRST APPEAL NO.331 OF 1989

1. Vishnu Shridha Patki
2. Balkrishna Shridhar Patki ... Appellants

V/s.

Kamlakar Shamrao Patki ... Respondent

Mr.P.K. Ligale h/f S.P. Thorat for Appellants
Mr.Rajesh Kachare with Mr.Ravi Kachare for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 8, 2004**

ORAL JUDGMENT:

. This First Appeal has been filed against the judgment and order of the Civil Judge, Junior Division, Pune whereby Miscellaneous Application No.280 of 1985 filed by the appellants for letters of administration to the property of one Parshuram Laxman Kulkarni and Miscellaneous Application No.598 of 1984 filed by the Respondent for issuance of a succession certificate was dismissed.

2. The facts in brief are as follows:

Appellant Nos.1 and 2, namely, Vishnu and Balkrishna, Shamrao and Parshuram were brothers. Parshuram was given in adoption to one Kulkarni family. Shamrao predeceased Parshuram. It appears that after Parshuram

died on 15.8.1984, intestate, the brothers of Parshuram i.e., appellants herein, filed an application for letters of administration. Simultaneously, Kamlakar, the son of Shamrao and nephew of Parshuram filed an application for succession certificates.

3. The trial Court considered both the Miscellaneous Applications together. Both the applications were dismissed as the trial Court has held that the deceased Parshuram Laxman Kulkarni was given in adoption and the natural family of Parshuram had no right over his estate.

4. In my view, this judgment of the trial Court cannot be faulted. Once an individual has been adopted, it is only the adoptive family which has a right over the estate of the deceased. The natural family of the deceased would have no right over the estate of the deceased. Therefore, the trial Court has rightly dismissed the applications.

5. In view of this, First Appeal is dismissed.